

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRAND MARKETING GROUP, LLC *doing*  
*business as* THERMABLASTER,

Plaintiff,

12cv1572

**ELECTRONICALLY FILED**

v.

INTERTEK TESTING SERVICES NA, INC.  
*doing business as* INTERTEK TESTING  
SERVICES,

Defendant.

**ORDER REFERRING CASE TO ALTERNATIVE DISPUTE RESOLUTION**

After due consideration of the issues and after the jury verdict and judgment in the amount of \$6,045,000.00 in favor of Plaintiff, the Court finds that this case is appropriate for referral to an alternative form of dispute resolution as provided by the local rules of this Court.

**IT IS HEREBY ORDERED:**

(a) Referral to ADR: This case is referred to: mediation. The Honorable Donald E. Ziegler is appointed to serve as the mediator. Compensation of the neutral will be as follows: 50% by Plaintiff and 50% by Defendant. Compensation shall be paid directly to the neutral upon the conclusion of the ADR process. Failure to pay the neutral shall be brought to the attention of the Court.

(b) Conduct of ADR Conference(s): The ADR conference(s) shall be conducted in accordance with Local Rule 16.2 and the Court's ADR Policies and Procedures.

(c) Scheduling ADR Conference(s): The ADR conference(s) shall occur on April 11th, 2014 at the office of Cooper & Ziegler, 100 Ross Street, Pittsburgh, PA 15219, unless the parties and the neutral jointly agree to a different date.

(d) The President of Brand Marketing, Plaintiff David O. Brand, and the President of the Defendant, Intertek, NA, Gregg Tiemann, are HEREBY ORDERED to attend, together with any insurance carrier, as well as lead counsel for both parties.

If the parties are utilizing a private process, the case is still governed by the Court's Local Rules and ADR Policies and Procedures. When private processes are used, it is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

**SO ORDERED** this 24th day of March, 2014.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge